

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:10-cv-00476-D

NORTH CAROLINA WILDLIFE
FEDERATION, CLEAN AIR CAROLINA,
and YADKIN RIVERKEEPER,

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION, EUGENE CONTI,
SECRETARY, NCDOT, FEDERAL
HIGHWAY ADMINISTRATION, and JOHN
F. SULLIVAN, DIVISION
ADMINISTRATOR, FHWA,

Defendants.


ORDER

Finding that the Parties have consulted in good faith, that the requested schedule is reasonable and that good cause has been shown, this court grants the Joint Motion for Briefing and Hearing Schedule and orders that the case shall be governed by the following schedule:

1. No later than Friday, March 4th, Plaintiffs may file a principal motion to complete and supplement the record, and memoranda in support.
2. No later than Friday, March 11th, Defendants may file a response to Plaintiffs' motion to complete and supplement the record.
3. No later than Friday, March 18th, Plaintiffs may file a reply, if any to Defendants' response to plaintiffs' motion to complete and supplement the record.
4. The parties agree to an expedited hearing, if necessary, on any motion filed pursuant to paragraphs (1) – (3).
5. Plaintiffs shall file their Rule 56 motion and motion to supplement the record with an expert affidavit, if any, and memoranda in support no more than 30 days from the date of an order on Plaintiffs' principal motion to complete and supplement the record. The combined supporting memoranda shall not exceed 60 pages.

6. Defendants shall file their Rule 56 motion, and combined response in support of their Rule 56 motion, response in opposition to Plaintiffs' Rule 56 motion, and response to Plaintiffs' motion to supplement the record with an expert affidavit, if any, no more than 21 days from receipt of service of Plaintiffs' motions and memoranda in support. The combined supporting memoranda shall not exceed 60 pages.
7. Plaintiffs shall file their responses in opposition to Defendants' Rule 56 motion and Defendants' response in opposition to Plaintiffs' Rule 56 motion no later than 14 days after receipt of service of the Defendants' motion and supporting memoranda.
8. No later than seven days after Plaintiffs' filing, Defendants may file a reply, if any, to Plaintiffs' responses.
9. No later than seven days after Defendants' filing, Plaintiffs may file a surreply.
10. The parties shall be prepared for a hearing to be set for a date within 15 days of Plaintiffs' surreply or as soon thereafter as can be held according to the Court's schedule.

SO ORDERED. This 25 day of February, 2011.



JAMES C. DEVER III
United States District Court Judge